State of California

SECRETARY OF STATE
CONDITIONAL APPROVAL OF USE OF CERTAIN
DATA INFORMATION MANAGEMENT SYSTEMS
ELECTION MANAGEMENT SOFTWARE

I, MARK L. KYLE, Undersecretary of State of the State of California, do hereby certify that:

1. *Data Information Management Software* of Granite Bay, California ("Vendor"), has requested approval for use in California elections of its Advanced Ballot Count Version 4.0.3.1 to be used in conjunction with Datavote ballot/card readers as well as Procedures for Datavote dated October 2001.

2. The request for approval of the voting systems as described in Paragraph 1, was considered at a duly noticed public hearing held October 5, 2004, at Sacramento, California.

3. The Voting Systems and Procedures Panel recommended that the request for approval be granted, with certain conditions.

4. Data Information Management Software's Advanced Ballot Count Version 4.0.3.1 to be used in conjunction with Datavote ballot/card readers as well as Procedures for Datavote dated October 2001, is hereby approved for use subject to the following terms and conditions:

   a. No substitution or modification of the voting systems described in Paragraph 1 shall be made with respect to any component of the voting systems, including the Procedures approved in October, 2001, until the Secretary of State has been notified in writing and has determined that the proposed change or modification does not impair the accuracy and efficiency of the voting systems sufficient to require a re-examination and approval;

b. Advanced Ballot Count Version 4.0.3.1 shall only be used in the Counties of El Dorado and Yuba;

c. Vendor shall replace any version of Advanced Ballot Count that lacks State approval for use (certification) in all client jurisdictions in the State, with the certified version contained herein, in sufficient time for use in the November 2004 General Election;

d. Advanced Ballot Count is only certified for use through December 31, 2005;

e. Advanced Ballot Count is only certified for use with the Datavote voting system. Advanced Ballot Count can only be used with Datavote ballot/card readers that have State approval for use (certification);

f. Any jurisdiction using Advanced Ballot Count must submit a security plan to, and receive approval of that plan from, the Secretary of State prior to its use in that election. The security plan shall include information on the physical security of all computers running Advanced Ballot Count and shall specifically require that those computers shall not be connected to any external network or communications system;

g. The Secretary of State reserves the right, with reasonable notice to the requestor and to the counties using the Voting System, to modify the Procedures used with the Voting System and to impose additional requirements with respect to the use of the system if the Secretary of State determines that such modifications or additions are necessary to enhance the accuracy, reliability or security of the Voting System;

h. Any county using any voting system described in Paragraph 1 shall, prior to such use, file with the California Secretary of State a copy of its Election Observer Panel plan;

IN WITNESS WHEREOF, I hereunto set my hand and affix the Great Seal of the State of California, this 5th day of October, 2004.

MARK L. KYLE
Undersecretary of State